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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/884,854 | 06/18/2001 | Gilad Odinak | WING-1-1016 | 1886 |

25315 7590 04/29/2003

BLACK LOWE & GRAHAM
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SEATTLE, WA 98104

EXAMINER

GARG, YOGESH C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3625

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,854

Applicant(s)

ODINAK ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-15, 17-23, 25-33, 35-40, 42-51, and 53-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Malackowski et al. (US Patent 5,867,780), hereinafter, referred to as Malackowski.

With regards to claims 1-7, and 9-10 Malackowski teaches a method comprising: receiving a radio broadcast at a vehicle; wirelessly transmitting content from a server to the vehicle via a data network based on radio broadcast information associated with the received radio broadcast; presenting content over a user interface at the vehicle; recording any requests made by a user based on the presented content; wirelessly transmitting the recorded requests to the server over the data network; processing each sent request, wherein processing comprises generating a confirmation message upon completing a transaction based on the request; wirelessly transmitting the generated confirmation message to the vehicle over the data network; and presenting the sent confirmation message over the user interface, further comprising wirelessly transmitting

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vehicle information- identifying vehicle location and direction of travel- from the vehicle to the server over the data network, wherein the content transmitted from the server to the vehicle via a data network is based on radio broadcast information associated with the vehicle information, wherein presenting comprises presenting at least a portion of the content or the message audibly, or displaying visually at least a portion of the content or the message, wherein recording comprises recording a phonation, wherein processing comprises performing voice recognition processing of the phonation, wherein completing comprises: contacting a business system; and sending information from the business system to the server relating to the request, wherein the confirmation information comprises at least a portion of the information sent by the business system, and wherein a recorded request is a request to purchase an item offered for purchase in one or more of the received radio broadcast or the sent content (see at least, col.2, line 22-col.3, line 12, "*....a prospect driving and listening to a radio broadcast will be prompted to dial....will utilize their cellular phone to seek out additional information....radio advertising....prospects can be provided with a menu of additional customer services....*", col.4, line 10-col.8, line 6, "*.....FIG.1 provides a process overview of the present invention.....an audio message from the radio....manual input to a telephone...call may be initiated by automatic processing.....switch must recognize the caller seeking to utilize the system.....recognition on the subscriber identity and the subscriber location.....By means of an Integrated Voice Response the mobile wireless subscriber is thus able to obtain information and/or fulfillment service.....broadcast radio....The location of the mobile wireless terminal will be*

computed by a processor and special software permits a display of the cellular service area containing the terminal.....FIG.4 describes the initiation of the wireless call.....FIG.5 describes the integration of the wireless telephone or specifically the mobile wireless transmitter and receiver 210 to a vehicle transporting the caller.....the wireless telephone be connected by a hardwire interface to a vehicle's video terminal 214 to allow a display of telephony functions.....display of video messages sent by wireless means to the user.....", col.9, line 28-col.10, line 46, ".....FIG.6 further describes the functions of the MTSO of the PWN ...", col.12, lines 6-56, ".....FIG.10 further describes the components of the invention related to the target.....").

With regards to method, system and apparatus claims 11-15, 17-23, 25-33, 35-40, 42-51, and 53-54, their limitations correspond to the limitations of method claims 1-7, and 9-10 and are therefore analyzed and rejected based on the same rationale.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 16, 24, 34, 41, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malackowski, and further in view of Brizendine et al. (US Patent 6,484,147), hereinafter, referred to as Brizendine.

With regards to claims 8, 16, 24, 34, 41, and 52, Malackowski teaches a method,

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a system, and an apparatus, as disclosed in claims 1, 11, 19, 27, 37, and 49 respectively and analyzed above. Malackowski, further, teaches contacting a variety of business systems to carry out a variety of services, such as mailing of product/service to home/business, direct product sales, polling, participating in surveys, contacting a retailer, etc. (see at least, col.3, lines 1-12) and also use of an encryption system to secure financial data transmission (see at least, col.13, lines 42-47) which clearly indicates that financial data is communicated and financial data can include transfer of funds. Malackowski does not disclose contacting a bank system to execute a monetary transfer based on user information and the request. However, in the field of same endeavor, Brizendine teaches contacting a bank and executing a money transfer based on user information and request via a communication network (see at least, col.3, lines 12- 43, col.13, lines 4-30). In view of Brizendine, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to combine Brizendine's feature of contacting a bank and executing a money transfer based on user information and request via a communication network with Malackowski's access free wireless telephony fulfillment service system in a vehicle, which is like any other node on a communication network, because to allow the passengers in the vehicle to communicate with any other server including that of a bank and execute money transfer requests as explicitly disclosed in Brizendine (see at least col.13, lines 4-30).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Jameel et al., " Internet multimedia on wheels: connecting cars to cyberspace ", Daimler-Benz Research and Technology North America Research and Technology Center, Palo Alto, CA, USA, published in " Intelligent Transportation System, 1997.ITSC'97., IEEE Conference on 9-12, pages :637-642, Nov 1997, extracted on Internet from IEEE database on 05.27/2002, and Stirling et al. ; " Mobile Multimedia Platforms ", paper appeared in : Vehicular Technology Conference, 2000, IEEE-VTS Fall VTC 2000, 52nd, pages :2541-2548 vol.6, 24-28 September 2000, Boston, MA, USA extracted on Internet from IEEE database on 05.27/2002 disclose wireless communication system and infrastructure to provide communication to and fro between a car and a server.

(ii) US Patent 5,732,074 to Spaur et al. discloses a method and a system for communication between a remote computer system and a vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone

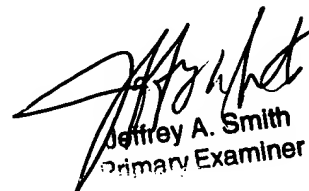
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numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
April 23, 2003



Jeffrey A. Smith
Primary Examiner